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October 30, 2023

VIA ECF

Honorable Robert Kugler, U.S.D.J.
U.S. District Court - District of N.J.
Mitchell S. Cohen Building &
U.S. Courthouse
1 John F. Gerry Plaza, Courtroom 4D
4th and Cooper Streets
Camden, New Jersey 08101

Honorable Thomas I. Vanaskie (Ret.)
Special Master
Stevens & Lee
1500 Market St., East Tower,
Suite 1800
Philadelphia, Pennsylvania 19103

Re: ***In re Valsartan, Losartan, and Irbesartan Liability Litigation,***
Case No. 1:19-md-02875-RBK (D.N.J.)

Dear Judge Kugler and Judge Vanaskie:

Please accept this letter on behalf of Plaintiffs in advance of the November 1,
2023 case management conference.

1. Update on Losartan and Irbesartan Document Productions.

As of the last case management conference, all manufacturer defendants have
a court-approved list of search terms and custodians. However, document
productions have been few and far between. In order to ensure Plaintiffs do not

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receive all of the documents at the very end of the discovery period, Plaintiffs respectfully request that the Court require each manufacturer defendant to make semi-monthly document productions on the 15th and last day of each month. Just as was done in the valsartan portion of discovery, Plaintiffs further request that these productions be accompanied by production logs that maintain the same format as those used in the valsartan portion of the case as required by the ESI protocol.

2. Update on the Motion to Compel WeChat Production.

The Parties are pleased to report they have reached an agreement on WeChat data production and therefore are not requesting a ruling on the issue at this time.

3. Rite Aid's Bankruptcy.

On October 15, 2023, Rite Aid filed for bankruptcy in United States Bankruptcy Court for the District of New Jersey. The Parties have reached agreement on Rite Aid's inclusion in this case's class notice plan. Plaintiffs will be prepared to discuss any questions with the Court.

4. Class Notice Plan.

The Parties have been working diligently to come to an agreement on the notice plan and form of notice. This has been complicated because of delays with finalizing the Hetero settlement and the recent Rite Aid bankruptcy. At this point,

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Plaintiffs have decided to completely separate the litigation class notice from the Hetero settlement notice, and Defendants have approved most of the elements of the notice plan and form of notice. The Parties will be ready to discuss the timing of the motion for approval of the notice and the date for the end of the opt-out period in connection with the discussion regarding setting the trial date and related deadlines.

5. TPP Trial Preparation.

The Parties have filed their letters on this issue. (ECF [2519](#), [2518](#)). Plaintiffs will be prepared to discuss it further with the Court.

6. PFS Deficiencies and Orders to Show Cause.

Plaintiffs will be prepared to address this issue during the conference.

Respectfully,



ADAM M. SLATER

Cc: All counsel of record (via ECF)